

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Applicants thank the Examiner for total consideration given the present application. Claims 1-41 were pending prior to the Office Action. No claims have been added through this reply. Claims 20, 22, 24, 26, and 28 have been canceled and claim 41 has been withdrawn without prejudice or disclaimer of the subject matter included therein. Therefore, claims 1-19, 21, 23, 25, 27, and 29-41 are pending. Claims 1-2, 5, 6, 9-10, 19, and 21 are independent. Applicants respectfully request reconsideration of the rejected claims in light of the remarks presented herein, and earnestly seeks a timely allowance of all pending claims.

Claim Rejection - 35 U.S.C. § 112, second paragraph

The Examiner rejected claims 1-40 under 35 U.S.C. § 112, second paragraph, asserting that they are allegedly indefinite.

The Examiner alleges that the expression “circuit blocks” to be indefinite in claims 1-2, 5-6, 9-10, 11-22, and 35-40. The Examiner also alleges that the expression “an active circuit” to be indefinite in claims 1-2, 5, 9-10, 12, 14, and 20-22. The Examiner also alleges that the expression “a first stage active circuit” to be indefinite in claims 6, 10, 20, and 22. The Examiner also alleges that the expression “a second stage active circuit” to be indefinite in claims 10, 20, and 22. The Examiner also alleges that the term “an antenna” to be indefinite in claims 9-10, and 19-22. The Examiner also alleges that the expression “a plurality of active circuit” to be indefinite in claims 1-2, 5-6, 9-10, 12, 14, and 19-22. The Examiner also alleges that the expression “an input terminal of an active circuit” to be indefinite in claims 9 and 19. The Examiner also alleges that the expression “an output terminal of an active circuit” to be indefinite in claims 9 and 19. The Examiner also alleges that the expression “a final stage active circuit” to be indefinite in claims 10, 20 and 22. The Examiner also alleges that the term “a substrate” to be indefinite in claim 19

Applicants respectfully submit that these amendments provide the necessary definite language as required by the Examiner. For example, circuit block(s) were amended to specifically recite a transmission circuit device and a first block circuit. Also, active circuit(s)

were amended to specifically recite a first transmission active circuit and a transmission amplifier circuit. Further, the plurality of active circuits are defined to include a final-stage transmission amplifier circuit and a next-to-last-stage transmission active circuit. Claims were also amended to correct any alleged antecedent basis issues (*i.e.*, “an antenna”). Claims were amended to define “an input terminal” (*i.e.*, “an input terminal of the transmission amplifier circuit”, “an input terminal of the antenna”, “an input terminal of the reception amplifier circuit”). Claims were amended to define “an output terminal” (*i.e.*, “an output terminal of the next-to-last-stage transmission amplifier”).

Thus, based on these amendments, it is respectfully requested that the outstanding rejection be withdrawn.

Should the Examiner have any concerns regarding the claim amendments, the Examiner is respectfully requested to contact Applicants' representative to schedule and conduct an interview to discuss these concerns.

Pending Application is in condition for allowance

The Examiner has *not* rejected claims with prior art. Thus, Applicants reasonably believe that because claims were *not* rejected by prior art, that pending claims are allowable. The amendments made to claims have *not* changed the substance of the subject matter as originally claimed. Claims were merely amended to clarify the terminology used.

Further, the Examiner has not indicated that claims were so indefinite that a search was not conducted on its merits. MPEP 2173.06 states:

“All words in a claim must be considered in judging the patentability of a claim against the prior art. In *re Wilson*, 424 F.2d 1382, 165 USPQ 494 (CCPA 1970). The fact that terms may be indefinite does not make the claim obvious over the prior art. When the terms of a claim are considered to be indefinite, at least two approaches to the examination of an indefinite claim relative to the prior art are possible....

First, where the degree of uncertainty is not great, and where the claim is subject to more than one interpretation and at least one interpretation would

render the claim unpatentable over the prior art, an appropriate course of action would be for the examiner to enter two rejections: (A) a rejection based on indefiniteness under 35 U.S.C. 112, second paragraph; **and (B) a rejection over the prior art based on the interpretation of the claims which renders the prior art applicable**. See, e.g., Ex parte Ionescu, 222 USPQ 537 (Bd. App. 1984). When making a rejection over prior art in these circumstances, it is important for the examiner to point out how the claim is being interpreted. Second, where there is a great deal of confusion and uncertainty as to the proper interpretation of the limitations of a claim, it would not be proper to reject such a claim on the basis of prior art. As stated in In re Steele, 305 F.2d 859, 134 USPQ 292 (CCPA 1962), a rejection under 35 U.S.C. 103 should not be based on considerable speculation about the meaning of terms employed in a claim or assumptions that must be made as to the scope of the claims.

The first approach is recommended from an examination standpoint because it avoids piecemeal examination in the event that the examiner's 35 U.S.C. 112, second paragraph rejection is not affirmed, and may give applicant a better appreciation for relevant prior art if the claims are redrafted to avoid the 35 U.S.C. 112, second paragraph rejection." *Emphasis added*

Thus, because the Examiner has not identified that the claims included a "great deal of confusion and uncertainty as to the proper interpretation of the limitations of a claim" an allowance of the pending application should be forthcoming.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1-19, 21, 23, 25, 27, and 29-40 under 35 U.S.C. § 112, second paragraph.

Reconsideration and allowance of claims 1-19, 21, 23, 25, 27, and 29-40 are respectfully requested for at least these reasons.

Conclusion

In view of the above amendments, it is believed that the pending application is in condition for allowance.

Applicants respectfully request that the pending application be allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Aslan Ettehadieh Reg. No. 62,278 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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